

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DR. JAMES DOBSON FAMILY IN-
STITUTE and USATRANSFORM
d/b/a UNITED IN PURPOSE,

Plaintiffs,

v.

XAVIER BECERRA, Secretary of the
United States Department of Health
and Human Services; UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
CHARLOTTE BURROWS, Chair of
the United States Equal Employment
Opportunity Commission; and
UNITED STATES EQUAL EMPLOY-
MENT OPPORTUNITY COMMIS-
SION

Defendants.

Case No. 4:24-cv-00986-O

**PLAINTIFFS' AND DEFENDANTS' JOINT MOTION FOR PARTIAL STAY
AND FOR BRIEFING SCHEDULE**

November 7, 2024

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1. Plaintiffs, the Dr. James Dobson Family Institute and USATransform d/b/a United in Purpose filed this case on October 15, 2024, to challenge Defendants' 2024 promulgation of a rule interpreting Section 1557 of the Affordable Care Act, 2024 promulgation of a rule interpreting the Pregnant Workers Fairness Act, and 2024 issuance of Harassment Guidance interpreting Title VII of the Civil Rights Act. ECF No. 1, Plaintiffs' Verified Complaint (October 15, 2024). Plaintiffs allege that these regulatory actions violate the Religious Freedom Restoration Act (Claim 1), the First Amendment's Free Exercise and Free Speech clauses (Claims 2-6), and the Administrative Procedure Act (Claim 7).

2. The parties have conferred and agree that the most efficient way to resolve their dispute is to stay Plaintiffs' APA claim while the parties brief cross-motions for summary judgment on Plaintiffs' RFRA and constitutional claims. The parties' disputes are purely legal. To the extent the Court grants relief on Plaintiffs' RFRA and/or constitutional claims, that would likely resolve the parties' dispute in full, obviating the need to address Plaintiffs' APA claim. Conversely, if Plaintiffs' RFRA and constitutional claims fail, the Court's decision on those claims may be relevant to resolution of the remaining APA claim or at least help to narrow the parties' remaining disputes. The Parties thus respectfully move the Court to stay Plaintiffs' APA claim while the parties brief Plaintiffs' remaining claims according to the following schedule they have agreed to:

- a. November 11: Plaintiffs' combined motion for preliminary injunction and partial summary judgment

- b. December 4: Defendants' combined response in opposition and cross-motion for partial summary judgment
- c. December 23: Plaintiffs' combined response in opposition and reply in support of their motion for partial summary judgment
- d. January 15: Defendants' reply in support of their motion for partial summary judgment.

DATED: November 7, 2024

Respectfully submitted,

/s/ Andrew Nussbaum

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* *pro hac vice* application forthcoming

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